



DTOS PCT/PTO 29 JUL 2004

Practitioner's Docket No. 057878-000004

PATENT

#4

IN THE UNITED STATES RECEIVING OFFICE

PCT/US02/40881	19.12.02 19 December 2002	21.12.01 21 December 2001
International Application Number	International Filing Date	International Earliest Priority Date

**TITLE OF INVENTION: METHOD OF IDENTIFYING NOVEL PROTEINS**

**APPLICANT(S) FOR EO/DO:** APPLIED RESEARCH SYSTEMS ARS HOLDING  
N.V.

**INVENTOR(S)/APPLICANT(S) FOR US:** Grace Wong

U.S.S.N. 10/500,267

**VERIFIED CERTIFICATION OF MAILING DATE**  
**(INTERNATIONAL APPLICATION (37 C.F.R. section 1.10(c))**

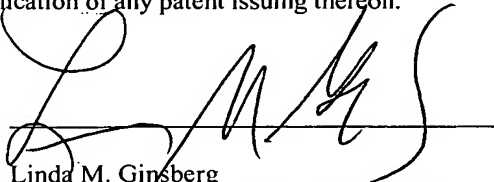
I declare that, on July 27 2004 I deposited, with the United States Postal Service, in an envelope "First Class Mail, Post Office to Addressee," addressed to the "MAIL STOP PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450," and having an first class mail certification that I executed, the following papers:

1. Certificate of Mailing (1 pg.);
2. COPY - Certificate of Limited Recognition (1 pg.);
3. Form 1390 Transmittal (3 pp.);
4. Information Disclosure Statement with Form 1449 (5 pp.);
5. COPY - References A1-A2; B1 and C1-C19; and
6. Return Receipt Postcard.

A copy of these papers from the file of this application is attached.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application of any patent issuing thereon.

Date: July 27, 2004

  
Linda M. Ginsberg  
(type or print name of person certifying)



**BEFORE THE OFFICE OF ENROLLMENT AND DISCIPLINE  
UNITED STATES PATENT AND TRADEMARK OFFICE**

**LIMITED RECOGNITION UNDER 37 CFR § 10.9(b)**

Leena H. Karttunen is hereby given limited recognition under 37 CFR § 10.9(b), as an employee of the law firm of Nixon Peabody LLP, to prepare and prosecute patent applications wherein the patent applicant is a client of the law firm of Nixon Peabody LLP, and a registered practitioner, who is a member of the law firm of Nixon Peabody LLP, is the practitioner of record in the applications. This limited recognition shall expire on the date appearing below, or when whichever of the following events first occurs prior to the date appearing below: (i) Leena H. Karttunen ceases to lawfully reside in the United States, (ii) Leena H. Karttunen's employment with the law firm of Nixon Peabody LLP, ceases or is terminated, or (iii) Leena H. Karttunen ceases to remain or reside in the United States on an H-1B visa.

This document constitutes proof of such limited recognition. The original of this document is on file in the Office of Enrollment and Discipline of the U.S. Patent and Trademark Office.

**Expires: June 14, 2005**

**Harry I. Moatz  
Director of Enrollment and Discipline**

JUL 29 2004

057878-4

TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371

U.S. APPLICATION NO. (If known, see 37 CFR 1.5

10/500,267

INTERNATIONAL APPLICATION NO.  
PCT/US02/40881INTERNATIONAL FILING DATE  
19 December 2002 (19.12.2002)PRIORITY DATE CLAIMED  
21 December 2001 (21.12.2001)

TITLE OF INVENTION METHOD OF IDENTIFYING NOVEL PROTEINS

APPLICANT(S) FOR DO/EO/US APPLIED RESEARCH SYSTEMS ARS HOLDING N.V. and WONG, Grace

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

## Items 11 to 20 below concern document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information:  
Certificate of Mailing; COPY - Certificate of Limited Recognition; COPY - References A1-A2, B1 and C1-C19; Return Receipt Postcard

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) <b>10/500,267</b>		INTERNATIONAL APPLICATION NO. <b>PCT/US02/40881</b>		ATTORNEY'S DOCKET NUMBER <b>057878-4</b>	
----------------------------------------------------------------------	--	--------------------------------------------------------	--	---------------------------------------------	--

21. ☐ The following fees are submitted:

**BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)):**

Neither international preliminary examination fee (37 CFR 1.482)  
nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO  
and International Search Report not prepared by the EPO or JPO. .... **\$1080.00**

International preliminary examination fee (37 CFR 1.482) not paid to  
USPTO but International Search Report prepared by the EPO or JPO ..... **\$920.00**

International preliminary examination fee (37 CFR 1.482) not paid to USPTO  
but international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... **\$770.00**

International preliminary examination fee (37 CFR 1.482) paid to USPTO  
but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... **\$730.00**

International preliminary examination fee (37 CFR 1.482) paid to USPTO  
and all claims satisfied provisions of PCT Article 33(1)-(4) ..... **\$100.00**

**ENTER APPROPRIATE BASIC FEE AMOUNT =**

Surcharge of **\$130.00** for furnishing the oath or declaration later than 30 months  
from the earliest claimed priority date (37 CFR 1.492(e)).

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$
Total claims	- 20 =		x <b>\$18.00</b>	\$
Independent claims	- 3 =		x <b>\$86.00</b>	\$
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ <b>\$290.00</b>	\$
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$

☐ Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above  
are reduced by 1/2.

**SUBTOTAL =**

Processing fee of **\$130.00** for furnishing the English translation later than 30 months  
from the earliest claimed priority date (37 CFR 1.492(f)).

**TOTAL NATIONAL FEE =**

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be  
accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). **\$40.00** per property +

**TOTAL FEES ENCLOSED =**

	<b>Amount to be refunded:</b>	\$
	<b>charged:</b>	\$

CALCULATIONS PTO USE ONLY

a. ☐ A check in the amount of \$ \_\_\_\_\_ to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ to cover the above fees.  
A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any  
overpayment to Deposit Account No. 50-0850 . A duplicate copy of this sheet is enclosed.


d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card  
information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

**NOTE:** Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137 (a)  
or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

David S. Resnick  
Nixon Peabody LLP  
100 Summer Street  
Boston, MA 02110  
US

  
 SIGNATURE  
David S. Resnick/Leena H. Karttunen  
 NAME  
34,235/10.9(b)  
 REGISTRATION NUMBER

## IN THE UNITED STATES RECEIVING OFFICE

PCT/US02/40881	19.12.02 19 December 2002	21.12.01 21 December 2001
International Application Number	International Filing Date	International Earliest Priority Date

TITLE OF INVENTION: METHOD OF IDENTIFYING NOVEL PROTEINS

APPLICANT(S) FOR EO/DO: APPLIED RESEARCH SYSTEMS ARS HOLDING  
N.V.

INVENTOR(S)/APPLICANT(S) FOR US: Grace Wong

U.S.S.N. 10/500,267

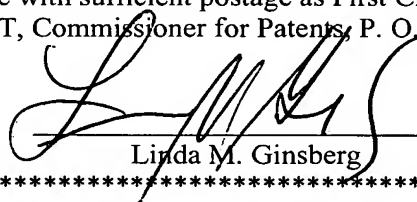
MAIL STOP PCT  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

\*\*\*\*\*

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is, on the date shown below, being:  
deposited with the United States Postal Service with sufficient postage as First Class Mail in  
an envelope addressed to the MAIL STOP PCT, Commissioner for Patents, P. O. Box 1450,  
Alexandria, VA 22313-1450.

Date: July 27 2004

  
Linda M. Ginsberg

\*\*\*\*\*

Sir:

## INFORMATION DISCLOSURE STATEMENT

In accordance with the provisions of 37 C.F.R. §§1.56 and 1.97, Applicants herewith  
submit the publications and/or patents shown on the attached form PTO-1449, for  
consideration by the Examiner in connection with the examination of the above-identified  
patent application.

## I. REMARKS

In accordance with the provisions of 37 C.F.R. §1.97, this statement is being filed:

X (1) within three (3) months of the Filing Date or **before the mailing date**  
**of the First Office Action** on the merits; or

- (2) within three months of the mailing date of the PCT International Search Report; or
- (3) after the period defined in (1) but before the mailing date of a **Final Rejection** or **Notice of Allowance**, and the requisite Certification or fee under Rule 1.17(p), namely **\$180.00**, is included herein; or
- (4) after the mailing date of a **Final Rejection** or **Notice of Allowance** but before the payment of the **Issue Fee**, and the requisite Certification, petition, and petition fee are included herein.

It is respectfully requested that each of the documents shown on the attached form(s) PTO-1449 be made of record in this application. Copies of these documents (CHECK ONE):

  X   are enclosed herewith; and

— have been cited in the parent application, and are thus not being resubmitted herein.

Early examination and allowance of the present application are respectfully solicited.

#### **FEE AUTHORIZATION**

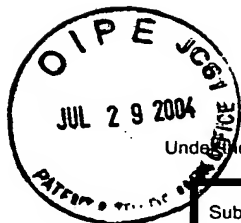
Should any fees associated with the submission be required, the Commissioner is authorized to charge the missing fee to our Deposit Account No. 50-0850. Any overpayments should be credited to said Deposit Account.

Respectfully submitted,



David S. Resnick (Reg. 34,235)  
Leena H. Karttunen (37 C.F.R. 10.9(b))  
NIXON PEABODY LLP  
100 Summer Street  
Boston, MA 02110  
(617) 345-6057

Date: July 27, 2004



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO/SB/08A/B 08-03)  
Approved for use through 07/31/2006. OMB 0651-0031  
Patent and Trademark Office, DEPARTMENT OF COMMERCE

<b>Substitute for form 1449 PTO</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)				<b>Complete if Known</b>	
				Application Number	10/500,267
				Filing Date	12/19/2002 (IA DATE)
				First Named Inventor	Grace Wong
				Art Unit	To be assigned
				Examiner Name	To be assigned
Sheet	1	of	3	Attorney Docket Number	057878-4

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code <sup>2</sup> (if known)			
	A1 <sub>h</sub>	4,946,778	08/07/1990	Ladner et al.	
	A2 <sub>h</sub>	6,312,960	11/06/2001	Balch et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear	†*
		Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> (if known)				
	B1	WO 00/04382	01/27/2000	Zyomyx, Inc.		

Examiner Signature	Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of US PTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is  
This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the US PTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the US PTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.  
If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Substitute for form 1449 PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(use as many sheets as necessary)</i>				<b>Complete if Known</b>	
				Application Number	10/500,267
				Filing Date	12/19/2002 (IA DATE)
				First Named Inventor	Grace Wong
				Art Unit	To be assigned
				Examiner Name	To be assigned
				Attorney Docket Number	057878-4
Sheet	2	of	3		

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>2</sup>
	C1	Akopian, A.N. et al., Chapter 2 in Functional Genomics, eds. S.P. Hunt and F.J. Livesey, Oxford University Press, pp. 9-31 (2000)	
	C2	Altschul, S.F. et al., Nature Genetics, 6:119-129 (1994)	
	C3	Altschul, S.F. et al., J. Mol. Biol., 215:403-410 (1990)	
	C4	Altschul, S.F. et al., Nucleic Acids Research, 25(17):3389-3402 (1997)	
	C5	Altschul S.F. et al., Methods in Enzymology, 266:460-480 (1996)	
	C6	Bairoch A. et al., Nucleic Acids Research, 22(17):3578-3580 (1994)	
	C7	Baldi, P. et al., Sequence Learning, 1828:80-104 (2000)	
	C8	Biocca, S. et al., Biochemical and Biophysical Research Communications, 197(2):422-427 (1993)	
	C9	Gish, W. et al., Nature Genetics, 3:266-272 (1993)	
	C10	Green, L.L. et al., Nature Genetics, 7:13-21 (1994)	

Examiner Signature	Date Considered
--------------------	-----------------

\*EXAMINER if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the US PTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 120 minutes to complete, including gathering, preparing, and submitting the completed application form to the US PTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



Substitute for form 1449 PTO				<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)				Application Number	10/500,267
				Filing Date	12/19/2002 (IA DATE)
				First Named Inventor	Grace Wong
				Art Unit	To be assigned
				Examiner Name	To be assigned
Sheet	3	of	3	Attorney Docket Number	057878-4

	C11	Huse, W.D. et al., Science, 246:1275-1281 (1989)	
	C12	Lonberg, N. et al., Nature, 368:856-859 (1994)	
	C13	Madden, T.L. et al., Methods in Enzymology, 266:131-141(1996)	
	C14	Mhashilkar, A.M. et al., The EMBO Journal, 14(7):1542-1551 (1995)	
	C15	Nielsen, H. et al., Protein Engineering, 10(1):1-6 (1997)	
	C16	O'Farrell, P.H., The Journal of Biological Chemistry, 250(10):4007-4021 (1975)	
	C17	Richardson, J.H. et al., Proc. Natl. Acad. Sci. USA, 92:3137-3141 (1995)	
	C18	Wootton, J.C. et al., Methods in Enzymology, 266:554-571 (1996)	
	C19	Zhang, J. et al., Genome Research, 7:649-656 (1997)	

Examiner Signature		Date Considered	
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\*EXAMINER if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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